

DJW/mat

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

TERRESA ROBERTS, et al.,

Plaintiffs,

v.

No. 01-2113-CM

SHAWNEE MISSION FORD, INC. et al.,

Defendants.

DOWDALL ENGINEERING, INC.,

Plaintiff,

v.

No. 02-2536-CM

SHAWNEE MISSION FORD, INC. et al.,

Defendants.

ORDER

_____ Pending before the Court is Plaintiff Dowdall Engineering's Motion to Compel (doc. 181).

For the reasons stated below, Plaintiff's Motion is granted.

On March 20, 2003, Plaintiff electronically served its first interrogatories and requests for production of documents on Defendant Shawnee Mission Ford. On April 21, 2003, Shawnee Mission Ford served its objections to the discovery requests, but did not provide answers or produce documents, allegedly based on its concern that Plaintiff Dowdall Engineering would disseminate the discoverable materials to the media. Plaintiff Dowdall Engineering now moves to compel answers and production of documents in response to these written discovery requests.

In response to Plaintiff Dowdall Engineering's Motion to Compel, Defendant Shawnee Mission Ford argues it should not be required to provide answers and produce documents in response to discovery requests until the Court rules on its Motion for Protective Order, which seeks to prohibit disclosure of discoverable materials to any entity or individual not a party to this lawsuit. Defendant Shawnee Mission Ford states that once the Court rules on its request to limit dissemination of the information and materials sought, it will respond to interrogatories and produce documents that are not subject to objections lodged and privileges asserted.

In a Memorandum and Order filed contemporaneously with this Order, the Court denied Defendant Shawnee Mission Ford's request for protection. Given these circumstances, and the intentions of Defendant as stated in its responsive brief, the Court hereby grants Plaintiff Dowdall Engineering's Motion to Compel and orders Defendant Shawnee Mission Ford to substantively answer the referenced interrogatories and produce documents responsive to the referenced requests, subject to objections lodged and privileges asserted.

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this _____ day of October, 2003.

David J. Waxse
United States Magistrate Judge